

10060

Anthony Lanza, Bar No. 156703  
 LANZA & GOOLSBY, PLC  
 A Professional Law Corporation  
 3 Park Plaza, Suite 1650  
 Irvine, California 92614-8540  
 Telephone (949) 221-0490  
 Facsimile (949) 221-0027

Michael Shaff, Bar No. 152998  
 Irvine Venture Law Firm, LLP  
 5 Hutton Centre Dr., Suite 1400  
 South Coast Metro, CA 92707  
 Telephone (949) 265-2620  
 Facsimile (949) 660-7799

Attorneys for Plaintiff  
 Direct Contact Marketing, Inc.

2006 DEC 19 PM 3:37

CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 SANTA ANA

BY

FILED-SOUTHERN DIVISION  
 CLERK, U.S. DISTRICT COURT

DEC 26 2006

CENTRAL DISTRICT OF CALIFORNIA  
 DEPUTY

Priority

Send

Clsd

Enter

JS 5/JS-6

JS-2/JS-3

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 SOUTHERN DIVISION – SANTA ANA

DIRECT CONTACT MARKETING, a  
 California Corporation;

Plaintiff,

vs.

UNITED STATES OF AMERICA; and  
 DOES 1 through 10, inclusive;

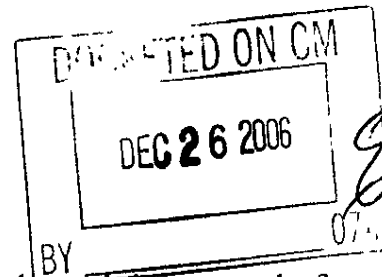
Defendants.

Case No. SACV06-588 DOC (RNBx)

**VOLUNTARY DISMISSAL; ORDER**

Hon. David O. Carter

Complaint Filed: June 28, 2006



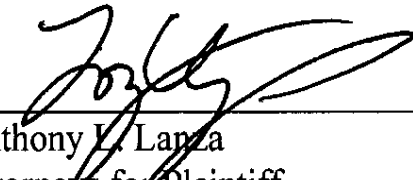
Plaintiff, Direct Contact Marketing ("DCM"), by and through its counsel of record, and defendant the United States of America ("USA"), by and through its counsel of record, hereby agree and stipulate as follows: The parties to this action have agreed that the dispute should be remanded to the appeals officer at the Internal Revenue Service so as to provide another opportunity for the appeals officer to review and reconsider the subject proposed collection action pursuant to collection

1 due process (CDP) hearing, including DCM's proposed penalty abatement and  
2 payment plan, in hopes that such IRS review and consideration will resolve this  
3 dispute.

4  
5 Pursuant to stipulation among all parties to this action, it is agreed that this  
6 lawsuit be dismissed, without prejudice, under Rule 41(a)(1) of the Federal Rules of  
7 Civil Procedure. Each party shall be responsible for his or its own costs, expenses,  
8 and fees, if any, based on this action and/or resulting from said dismissal.

9  
10 LANZA & GOOLSBY  
A Professional Law Corporation

11  
12 DATED: 12/18, 2006

  
13 Anthony L. Lanza  
14 Attorneys for Plaintiff  
Direct Contact Marketing

15  
16 Debra Wong Yang  
U.S. Attorney

17  
18 DATED: \_\_\_\_\_, 2006

19  
20 Evan J. Davis  
AUSA, attorney for defendant

21 Having considered the stipulation above, and having determined that good  
22 cause exists for approval, the terms of the above stipulation shall be the order of this  
23 court.

24 IT IS SO ORDERED:

25  
26 Dated: December 26, 2006

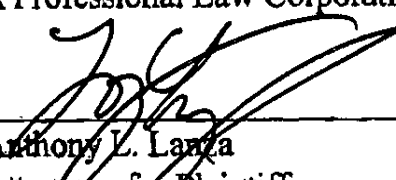
  
27 United States District Judge  
28

1 due process (CDP) hearing, including DCM's proposed penalty abatement and  
2 payment plan, in hopes that such IRS review and consideration will resolve this  
3 dispute.

4  
5 Pursuant to stipulation among all parties to this action, it is agreed that this  
6 lawsuit be dismissed, without prejudice, under Rule 41(a)(1) of the Federal Rules of  
7 Civil Procedure. Each party shall be responsible for his or its own costs, expenses,  
8 and fees, if any, based on this action and/or resulting from said dismissal.

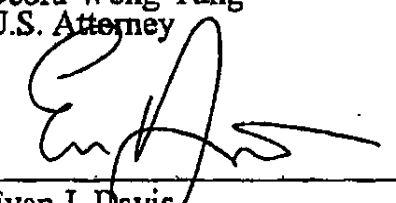
9  
10  
11  
12 DATED: 12/18, 2006

LANZA & GOOLSBY  
A Professional Law Corporation

  
\_\_\_\_\_  
Anthony L. Lanza  
Attorneys for Plaintiff  
Direct Contact Marketing

13  
14  
15  
16  
17  
18 DATED: 12/18, 2006

Debra Wong Yang  
U.S. Attorney

  
\_\_\_\_\_  
Evan J. Davis  
AUSA, attorney for defendant

19  
20  
21 Having considered the stipulation above, and having determined that good  
22 cause exists for approval, the terms of the above stipulation shall be the order of this  
23 court.

24 IT IS SO ORDERED:

25  
26 Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
United States District Judge

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am a citizen of the United States, over the age of 18 years, employed in the County of Orange in the office of a member of the State Bar at whose direction service was made. I am not a party to the within action. My business address is 3 Park Plaza, Suite 1650, Irvine, CA, 92614.

On December 19, 2006, 2006 served the following **VOLUNTARY DISMISSAL** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope addressed as follows:

Evan J. Davis Attorney for United States of America  
Chief, Tax Division  
Assistant United State Attorney  
7211 Federal Building  
300 North Los Angeles St.  
Los Angeles, CA 90012  
Fax: (213) 894-0115

Michael Shaff, Attorney for DCM  
Irvine Venture Law Firm, LLP  
5 Hutton Centre Dr., Suite 1400  
South Coast Metro, CA 92707  
Facsimile (949) 660-7799

X **BY MAIL:** I caused such envelopes (with postage thereon fully prepaid) to be placed in the United States mail at Irvine, California. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of parties served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposition for mailing specified in the affidavit.

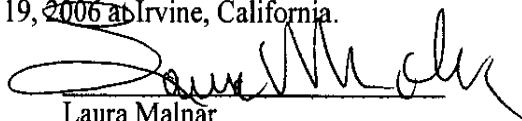
       **BY FACSIMILE:** A copy was transmitted via facsimile, followed by a copy via US Mail.

       **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices of the addressee(s).

       **BY OVERNIGHT DELIVERY:** As follows: I am "readily familiar" with the Firm's practice of collection and processing correspondence for overnight deliver. Such correspondence will be deposited with a facility regularly maintained by an overnight delivery service for receipt on the same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed December 19, 2006 at Irvine, California.

  
Laura Malnar